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February 10, 2023

**Via ECF**

Honorable Stewart D. Aaron  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1970  
New York, NY 10007

Re: *United States of America and States of the United States, ex rel.  
Donohue v. Richard Carranza, et al.; Case No: 1:20-cv-5396-GHW*

Dear Judge Aaron:

As you know, this office represents Defendants Wake County Public School District and Cathy Quiroz-Moore (“Wake Defendants”). The undersigned wishes to respond in part to Plaintiff-Relator’s objections filed on January 30, 2023 (Dkt. 247) in response to Your Honor’s Report and Recommendation filed on January 14, 2023 (Dkt. 245).

Without addressing the merits of the objections, the undersigned takes issue with the filing because Plaintiff-Relator’s objections were not filed and served within the ascribed 14-day timeline allotted by the Report and Recommendation. The objections should therefore be deemed untimely and waived, precluding appellate review. (Dkt. 245, p. 22). A review of the docket shows that an extension to object was neither requested nor granted by this Court.

Should this Court deem the objections to be timely, the undersigned would request an additional week from the filing of this letter to address the merits of the objections.

The undersigned thanks the Court for its consideration of the foregoing.

Respectfully,

/s/John A. Darminio  
John A. Darminio